United Nations S/2006/611

Security Council

Distr.: General
4 August 2006

Original: English

Letter dated 3 August 2006 from the Acting Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Italy submitted pursuant to resolution 1624 (2005) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Adamantios Th. **Vassilakis**
Acting Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

06-45671 (E) 230806

Annex

Letter dated 31 July 2006 from the Permanent Mission of Italy to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

Pursuant to Security Council resolution 1624 (2005), I have the honour to transmit on behalf of my Government the report concerning the steps taken by Italy to implement the resolution (see enclosure).

(*Signed*) Aldo **Mantovani**
Ambassador
Chargé d'Affaires, a.i.

Enclosure

Report from Italy to the Counter-Terrorism Committee regarding the implementation of Security Council resolution 1624 (2005)

Paragraph 1

1.1 What measures does Italy have in place to prohibit by law and to prevent incitement to commit a terrorist act or acts? What further steps, if any, are under consideration?

Under Italian criminal law, incitement to commit acts of terrorism is punishable per se or as a form of participation in specific crimes. The Italian Criminal Code contains a general provision on "incitement" to commit intentional crimes against the character of the State, both on a domestic and on an international level. Article 302 of the Italian Criminal Code punishes the incitement of one or more persons: "Whosoever incites any person to commit one of the intentional crimes provided for in Book II, Chapters I and II, Title I, shall be punished, if the incitement is unsuccessful, or if the incitement is successful but the crime is not committed, by a prison sentence of one to eight years. However, the sentence shall not be more than one-half the sentence prescribed for the crime that was incited."

The crimes referred to in Article 302 also include association for the purposes of terrorism and international terrorism, aiding and abetting members of the association (provided for in Articles 270 bis and 270 ter of the Italian Criminal Code); attacks for terrorist purposes (Article 280 of the Italian Criminal Code); and kidnapping for terrorist purposes (Article 289 bis of the Italian Criminal Code).

In general, incitement is punishable only if the incited crime is not committed. If instead it is committed, Italian law views the instigator as having acted in concert with the person instigated to perpetrate the (attempted or committed) crime. In this case, the laws governing participation in the commission of that specific crime shall apply.

To apply the "incitement" provisions in the Italian Criminal Code, case law has rendered an interpretation that seeks to be consistent with the constitutional principle of freedom of communication (Article 21 of the Constitution). The Constitutional Court has clarified that incitement shall be punishable only if it involves a "genuine risk" of inducing someone to commit the specific crimes covered by Article 302. Therefore, in the opinion of the Constitutional Court, incitement can be both lawful — if it falls within the constitutional right to freely express thoughts — and unlawful — if, as a result of a criminal proceeding, the conduct is deemed to have induced the incited person to commit a specific crime.

Law No. 438 of 15 December 2001 introduced two new crimes: association for the purposes of terrorism and international terrorism and aiding and abetting members of the terrorist association. Under this law, two types of conduct can be punished: (i) promoting, setting up, organizing, heading or funding associations whose intent is to commit acts of violence for the purposes of terrorism and international terrorism; (ii) supporting any one of the persons who participate in terrorist associations by harbouring them or providing them with food, hospitality, and means of transportation or communication.

Both these crimes are covered by a criminal association measure that is widely invoked by Italian criminal law. Under this measure, the association member's typical conduct — i.e., his or her *moral* (e.g. inducing or reinforcing the criminal intent) and *material* support (by providing the association with the necessary resources to carry out its activities) — can be punished regardless of whether the criminal acts for which the association was established were actually carried out. This lowers the burden of proof and allows the prosecution of association members prior to the association's actual realization of its ultimate plans.

There are no other exceptions in Italian law for the prosecution of the above-mentioned crimes. No exceptions on liability are envisaged when the conduct described above is performed by a representative of a religious institution or voluntary organization. The only relevant measure applies to prosecution in general: under Article 129 of the implementing provisions of the Italian Criminal Code, when a Catholic priest or cleric is prosecuted, the public prosecutor has to inform the Ordinary of the clergyman's diocese.

Decree-law 144 was enacted on 27 July 2005, and was later converted into law 155 of 31 July 2005, containing "Urgent measures for countering international terrorism".

This law introduces new tools to successfully fight terrorism, including:

- article 270 — quater of the criminal code (on recruiting for terrorist activities, including international terrorism);
- article 270 — quinquies of the criminal code (on training in terrorist activities, including international terrorism);
- article 270 — sexies of the criminal code (Terrorism-inspired behaviour).

Law 155 of 31 July 2005 amended section 414 of the criminal code, increasing the sentence when the solicitation or instigation to commit a crime involves terrorist acts. In the area of crime prevention, section 3 of the same law introduced new provisions that allow the deporting of any foreign national "against whom there are well-grounded reasons to believe that his/her stay on the national territory might facilitate in any way terrorist groups or activities, also at the international level".

At present no other legislative initiatives are under review to prevent incitement to commit terrorist acts.

1.2 What measures does Italy take to deny safe haven to any person with respect to whom there is credible and relevant information giving serious reasons for considering that they have been guilty of incitement to commit a terrorist act or acts?

Overview of Italian asylum law

Article 10 of the Italian Constitution recognizes a foreigner's right to asylum on the territory of the Italian Republic if, in the country of origin, he or she is denied the exercise of democratic liberties provided for by the Italian Constitution. It also requires that legislation be drafted to implement the exact terms for granting asylum.

Under Italian law, foreigners seeking asylum in Italy belong to one of two general categories:

(a) Foreigners possibly entitled to refugee status under the Geneva Convention of 28 July 1951 and the 1967 New York Protocol, and persons within the mandate of the United Nations High Commissioner for Refugees;

(b) Foreigners who are not included in these two groups.

For category a, Article 1 *et sequentes* of Law 39 of 28 February 1990, amended by Law 189 of 30 July 2002, and its implementing measures provide for administrative proceedings to determine the granting of refugee status. The proceedings consist of three phases. In the first phase, the border police verify whether there are any impediments to refugee status. In the second phase, the local police authority holds a hearing with the applicant and collects information either directly from the applicant or ex officio. In the third phase, a local commission — made up of Interior Ministry officials, police officers, local government representatives, and a UNHCR delegate — renders a decision on the asylum application. Since 1998, applicants who have been denied can appeal before an ordinary judge. Previously appeals had to be filed before an administrative judge.

For category b, although various bills have been submitted to Parliament, no implementing law has been enacted so far. The Joint Divisions of the Court of Cassation, by judgement 4674 of 26 May 1997, have recognized that "pursuant to Article 10, paragraph 3, of the Constitution, foreigners, who are not allowed to exercise their democratic liberties, are entitled to asylum, even if a law that specifies the terms for exercising and enjoying this right is lacking". Under this decision, the ordinary judge is competent for disputes over the granting of asylum.

With respect to information exchange on asylum-seekers, a distinction between the two aforementioned categories is necessary.

For asylum-seekers that fall under the Geneva Convention on refugees and the New York Protocol, the police authorities have the legal power to gather information on the asylum-seeker, also ex officio, to determine whether there are impediments to approval of the application. Pursuant to Article 1, paragraph 4, letter (d), of Law 39/90, the following facts would be impediments: an asylum-seeker has been convicted in Italy of serious crimes including terrorism; he or she constitutes a danger to the security of the State; he or she is a member of mafia-type criminal association involved in drug trafficking or a member of a terrorist association. The information collected might also concern the participation of the asylum-seeker in terrorist organizations or the perpetration of acts of terrorism.

As to possible information exchanges with other countries, the police authorities, pursuant to Law 121 of 1 April 1981, have the power to gather and classify data and information on public order and security also with a view to maintaining and fostering international relations. In ratifying the Schengen Agreements, moreover, Italy has adopted the Schengen Information System, a database for information exchange between member States. All the collected data are available at the Data Processing Centre of the Department for Public Security. Law 675 of 31 December 1996 on the Protection of Personal Data provides that the rules on data processing shall not fully apply to the information collected in the Data Processing Centre, on the basis of Italy's accession to the Schengen Agreement.

Under Italian law information exchange is possible, also at the international level, provided that its purpose is to prevent and prosecute criminal offences or to

address threats to national security. The Authority for the Protection of Personal Data (*Garante per la protezione dei dati personali*) is in charge of processing data collected in the Data Processing Centre.

There are, however, stricter guarantees for information drawn from asylum applications. Article 38 of the Schengen Agreement (14 June 1985) establishes that information exchange between member States is allowed only for the specific purposes of granting or denying asylum applications. Articles 14 and 15 of the Dublin Convention (15 June 1990) set strict conditions for information exchange, confirmed also by European Council Regulation 2725/2000 on the Eurodac system.

Although information exchange about asylum-seekers is not forbidden by Italian legislation, it can be restricted by Italy's adhesion to international conventions or agreements. However, neither law courts nor the Authority for the Protection of Personal Data have yet rendered any decision on information specifically relating to asylum applications.

In the case of asylum-seekers who are not protected by the Geneva Convention, proceedings to grant asylum are carried out before an ordinary civil judge under case law as per point (1). According to the Code of Civil Procedure, the judge can gather information from the public administration ex officio, but he/she is by no means obliged to transmit the information to other authorities. However, should the judge believe that a crime has been committed, he/she is compelled to report to the public prosecutor. Under the Code of Civil Procedure, the public prosecutor must take part in proceedings on the status of persons, including those for the granting of asylum. Since the public prosecutor is in charge of instituting criminal proceedings, he/she can initiate a criminal investigation on the basis of the information collected in the proceedings. In this framework, the rules on international cooperation in criminal matters, including the exchange of documents and information, shall apply.

Article 1, paragraph 4, letter (d), of Law No. 39/90 expressly provides that, on the basis of the information collected by the police authority, asylum-seekers convicted in Italy of serious crimes including terrorism, representing a danger to the security of the State, or participating in mafia-type criminal associations for the purposes of drug trafficking or terrorist associations, may be barred from crossing the border or, in any case, denied asylum.

According to Italian case law, an asylum application can be denied if the applicant committed serious crimes contrary to the principles of the Italian Constitution, including terrorist crimes. In such cases, the same principles generally used in extradition proceedings for political crimes shall apply. Extradition can be approved if the seriousness of the crime prevails over the political motivation for the asylum application.

In asylum proceedings, in the phases chaired by a judge, judicial cooperation can be allowed.

Paragraph 2

1.3 How does Italy cooperate with other States in strengthening the security of its international borders with a view to preventing those guilty of incitement to commit a terrorist act or acts from entering their territory, including by

combating fraudulent travel documents and, to the extent attainable, by enhancing terrorist screening and passenger security procedures?

Within the European Union, Italy helped to draft the "Hague Programme on Strengthening the Area of Freedom, Security and Justice in the European Union", adopted in November 2004. The Hague programme contains important policy guidelines and identifies measures that the EU and its member States should take to fight terrorism and its radicalization. The Programme underlines the need to tackle the terrorism-related threats posed by illegal immigration and provides for enhanced EU-wide operational cooperation among law enforcement agencies and intelligence services, through information exchange. The EU is paying special attention to strengthening third countries' capacity to control their own borders.

Border Police cooperation

Italy cooperates extensively with other EU member States in identifying and adopting measures to counter illegal immigration, also within domestic borders.

Below is a list of the most significant actions:

- Cooperation between the Police and Customs Cooperation Centres and France, Switzerland and Austria;
- "High Impact" trilateral operations between Italy, France and Spain, and between Italy, Austria, Germany, and Slovenia;
- Joint operations with Greece;
- Joint operations with Germany, France, the United Kingdom, and Spain;
- **Cooperation with the European Agency for External Borders (Frontex)**, particularly for the 2006 Turin Olympic Games and the 2006 German world football cup;
- **Joint control services** at extra-Schengen borders, with mixed patrols at the Slovenian border and national patrols at the Swiss border;
- **Personnel training**. Since 2004, training has been in place for the whole staff of the Central Directorate for Immigration and Border Police. In 2005 alone, nine personnel training courses were held at the Institutes in Cesena and Abbasanta;
- A considerable increase in staff to cover the many border crossings guarded by the Police, Carabinieri and Guardia di Finanza. The police have been placed in charge of the offices of the air border in Treviso, Forlì and Lamezia Terme, of the sea and air border in Pescara, and of the sea border in Salerno and Gioia Tauro.

The police were assigned these offices based on the volume of traffic and on risk analyses. The purpose of this reassignment is to streamline inspection of individuals crossing extra-Schengen sea and air borders. It must be underlined that:

- For the **management and coordination of the operational sector**, circulars and notes reporting on meetings with area leaders are regularly sent to the departments. These meetings have been established to optimize border control and border surveillance procedures, in accordance with the Schengen "acquis";

- The police maintain permanent relations with other agencies operating at borders, primarily the Ministry of Infrastructures and Transport, the Ministry of Foreign Affairs, the Italian Civil Aviation Authority, and Customs;
- Targeted anti-immigration services have been set up, with the support of mobile units and local police forces, to **strengthen sea borders** at major Adriatic ports where there has been illegal traffic and at some Tyrrhenian ports;
- For laws on the **border control of individuals**, Italy follows the European Commission's "Schengen borders code", a practical manual for border guards, and Directive 2004/82 of 29 April 2004, which requires air carriers to communicate passenger data;
- With the help of EU funding, Border Offices have acquired high tech equipment, particularly the "Mobix" system, false bottom detectors, heartbeat detectors, carbon dioxide detectors, nightscopes, and multisensor vehicles;
- The current integrated border security system has been implemented in part through state-of-the-art technological equipment that is sensitive to the modus operandi of transborder crime and its possible evolution.

The key agencies in the **fight against document counterfeiting** are the Central Directorate for Immigration and the border police. The border police are equipped with the SIDAF system, a highly efficient technological apparatus to fight document fraud. Its training activities include sending specialists to the various border stations for on-the-job training.

Italy's established bilateral and multilateral (especially G-8) working relations have enabled it to produce best practices papers on international and domestic legal frameworks for border management, preventing stolen and lost travel documents from being used by terrorists, and document forgery. Italy has also investigated how intelligence can be effectively exchanged in order to combat transnational threats without violating personal privacy.

Paragraph 3

1.4 What international efforts is Italy participating in or considering participating in/initiating in order to enhance dialogue and broaden understanding among civilizations in an effort to prevent the indiscriminate targeting of different religions and cultures?

Italy recognizes the importance of dialogue between cultures and religions as an effective means of preventing extremism and intolerance, both in the countries of origin and within the foreign communities residing in our country. To deny space for fundamentalist propaganda and the recruitment of terrorists, Italy plays a leading role in enhancing dialogue and broadening understanding among cultures.

Italy participates intensively in the activities of the Barcelona Process and helped to draft the Euro-Mediterranean Code of Conduct on countering Terrorism, adopted by the Euro-Mediterranean partners at the 10th anniversary Summit of Heads of State and Government.

In April 2005 the Anna Lindh Euro-Mediterranean Foundation for the Dialogue between Cultures was created. The Foundation is the first common institution jointly established and financed by all 35 members of the Euro-

Mediterranean Partnership. It seeks to promote dialogue between cultures and enhance the effectiveness of the Barcelona Process through intellectual, cultural and civil society exchange.

Italy welcomed the commitment made by the EU at the Salzburg "Gymnich" meeting (10-11 March 2006) to develop a common public diplomacy that would provide public opinion, the press and other institutions with a better understanding of the values and principles shared by the Euromed cultures.

In December 2005, the European Council adopted the EU Strategy for combating radicalization and recruitment to terrorism, together with a detailed Action Plan, and began to implement it during the first semester of 2006. The Strategy, to which Italy contributed, focuses on the need for an EU media communication strategy that can explain European values and methods, as a means of addressing factors underlying the radicalization and the recruitment to terrorism.

Italy also supports the Alliance of Civilizations, launched by the Secretary-General of the United Nations and co-sponsored by Spain and Turkey.

In the framework of the partnership of the G-8 nations and the Broader Middle East and North Africa region, Italy, Turkey, and Yemen are leading the activities of the Democracy Assistance Dialogue (DAD). Italy allocated 500,000 euros in 2005 and 2,050,000 euros in 2006 for projects that promote democratic values and practices, in a spirit of ownership of the reform processes, partnership and dialogue.

At the national level, a Mediterranean Observatory was established in Rome in 2004 to foster dialogue between both shores of the Mediterranean. The Observatory organizes special events, conferences, and, in the current year, put together a panel discussion dedicated to "the new thinkers of Islam".

1.5 What steps is Italy taking to counter incitement of terrorist acts motivated by extremism and intolerance and to prevent subversion of educational, cultural and religious institutions by terrorists and their supporters?

There is a high level of international cooperation in the fight against incitement of and apology for terrorism and the recruitment of terrorists, issues closely followed by the EU and the main multilateral cooperation forums.

The issues of radicalization and recruitment are prioritized in the EU Action Plan to Combat Terrorism. The EU, realizing that one of the main goals of a counter-terrorism strategy must be the prevention of membership in terrorist organizations, is trying to address the underlying causes.

To this end, in December 2005 the EU Council adopted a strategy to fight radicalization and recruitment. In recent years, there have been various expert meetings to exchange national experiences and identify good practices. During the first semester of 2006, an ad hoc seminar was held in Trier.

At a more operational level, Europol organized a workshop within the Antiterrorist Task Force (CTTF2) to exchange information on recruiters and recruits, and on the use of the Internet for terrorist purposes. It is currently developing a project to monitor Internet sites used by Islamic terrorist groups for propaganda, proselytism and training.

Starting in 2005, the G-8 (particularly during the Russian presidency) has addressed the radicalization and recruitment of terrorists, with a focus on the

problems of integration into society, how young people perceive Islam, and measures to counter incitement to commit terrorist acts.

Paragraph 4

1.6 What is Italy doing to ensure that any measures taken to implement paragraphs 1, 2 and 3 of resolution 1624 (2005) comply with all of its obligations under international law in particular international human rights law, refugee law and humanitarian law?

Italy signed and ratified the four Geneva Conventions of 12 August 1949 by law 1739 of 27 October 1951. Italy also signed and ratified the two 1977 Protocols to the Geneva Conventions by law 762 of 11 December 1985.

All Italian legislation must comply with the European Union Treaty and the Italian Constitution, which set high, effective safeguards for human rights and humanitarian law, and prevent all forms of discrimination, also in the fight against terrorism.

United Nations S/2006/612

Security Council

Distr.: General
4 August 2006

Original: English

Letter dated 3 August 2006 from the Acting Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached fifth report from the Syrian Arab Republic submitted pursuant to paragraph 6 of resolution 1373 (2001), as well as the response of the Syrian Arab Republic to resolution 1624 (2005). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Adamantios Th. **Vassilakis**
Acting Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

06-45746 (E) 210906 220906

Annex

Letter dated 2 August 2006 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

With reference to the Chairman's letter dated 2 June 2006 and her letter dated 3 March 2006, I have the honour to transmit herewith to the Counter-Terrorism Committee the fifth report of the Syrian Arab Republic pursuant to paragraph 6 of resolution 1373 (2001) and in response to the implementation of resolution 1624 (2005).

My Government remains ready to provide any further information as may be requested by the Committee.

(*Signed*) Dr. Bashar **Ja'afari**
Ambassador
Permanent Representative

Enclosure

[Original: Arabic]

Fifth report by the Syrian Arab Republic to the Counter-Terrorism Committee

1. Implementation measures

1.1 At the time of submission of the Syrian Arab Republic's fourth report (p. 3), the Government was amending its Penal Code in order to establish the financing of terrorism as an autonomous offence. The Committee would welcome information on the outcome of this process.

Legislative Decree No. 33 on combating money-laundering and terrorist financing was issued on 1 May 2005. That decree was issued as an addendum to the fourth report of the Syrian Arab Republic to the Counter-Terrorism Committee of the Security Council and issued as document S/2005/265/Add.1.

1.2 In its fourth report (p. 4), the Syrian Arab Republic indicated that provisions relating to the freezing of assets would be promulgated in the near future. The Committee would appreciate an update on the status of this draft legislation.

The answer is the same as the preceding one in response to question 1.1.

1.3 On the reporting of suspicious transactions, the Syrian Arab Republic's fourth report (p. 4) refers to article 4 of Decree Law No. 59 of 2003. Please clarify whether the provisions outlined are current law or part of the proposed legislative reform relating to money-laundering and the financing of terrorism.

Legislative Decree No. 59 of 2003 was abrogated by virtue of article 20 of Legislative Decree No. 33.

1.4. The Committee takes note of the reference (second report, p. 3) to article 280 of the Penal Code, which provides that anyone who, within the Syrian Arab Republic's territory and without the approval of its Government, recruits soldiers to fight for a foreign State shall be punished by a term of imprisonment. Does this provision apply to recruitment to a stateless paramilitary organization? The Committee would welcome a copy of the relevant provisions of the Penal Code.

Article 280 of the Penal Code applies to any person who, within Syrian territory and without the approval of the Government, recruits soldiers to fight for a foreign State. Recruitment in Syrian territory to a stateless paramilitary organization is referred to in the Penal Code, which specifies an appropriate punishment in many of its articles.

Article 312, paragraph 1, of the Penal Code provides that gangs, gatherings and groups shall be regarded as being armed, within the meaning of the Code, if one or more of the persons comprising them are carrying arms, whether the latter are conspicuous, concealed or dissimulated.

Article 325 of the Code provides that: "Where two or more persons form a group or make an agreement for the purpose of committing crimes against persons or property, they shall be punished by a term of hard labour which shall not be less

than seven years if the objective of the perpetrators was to make an attempt on the life of other people."

Article 326 provides that: "Any group of three or more persons roaming the public roads or the countryside as armed gangs for the purpose of robbing passers-by or committing aggression against persons or property ... shall be sentenced to a term of hard labour of not less than seven years. If such persons commit one of the aforementioned acts, they shall be sentenced to hard labour for life. Any person who, in the commission of a crime, kills or attempts to kill another person, or subjects the victim to torture or acts of barbarity, shall be sentenced to death."

Article 278 (b) of the Penal Code states that: "Any person who engages in actions or who utters words, in either written or spoken form, that are not permitted by the Government and who thereby subject Syria to the danger of hostile action, or impairs its relations with a foreign State, or subjects Syrian citizens to acts of reprisal that affect their persons or property" shall be liable to a term of imprisonment.

Article 279, paragraph 1, of the Code specifies that: "In the case of any attack that takes place on Syrian territory or is committed by a Syrian citizen for the purpose of changing by violence the constitution or Government of a foreign State or seizing part of the territory of such State, the penalty shall be a term of imprisonment."

Article 316 of the Code makes it clear that: "where the purpose of carrying or possessing arms or munitions is to commit a crime, the penalty ... shall be a term of hard labour of between 3 and 10 years."

Article 298 imposes a severer penalty of hard labour for life in the case of an attack that is intended to provoke civil war or sectarian murder by arming Syrian citizens, or by instigating the arming of some citizens against others, or by incitement to murder and robbery.

Article 299 states, in particular, that any person who leads an armed gang, or who holds a position or exercises leadership of any kind in such a gang, shall be sentenced to hard labour for life.

Article 300 imposes a penalty of hard labour for life on persons who take part in armed groups for the commission of crimes.

Article 304 of the Code refers to acts of terrorism, defining them as "any acts that are intended to create a state of fear and are committed by the use of explosives, weapons of war, burning materials, poisonous or incendiary substances or infectious or bacteriological agents likely to constitute a public danger."

There are also references to acts of terrorism in all three paragraphs of article 305 under which the death penalty may be imposed if terrorist acts result in the destruction, even partial, of a public building, industrial establishment, ship, etc.

1.5 The Committee notes that the Syrian Arab Republic is now a party to nine of the international counter-terrorism conventions and protocols and would appreciate an update on progress in becoming a party to the remainder of these instruments.

The Syrian Arab Republic is a party to 10 of the 13 international counter-terrorism conventions and protocols and is currently studying the question of

accession to the remaining three conventions. It has concluded its study of accession to the Convention on the Physical Protection of Nuclear Materials, which is being submitted to the competent authorities in Syria for completion of the formalities for accession.

Effectiveness in protection of the financial system

1.6 The Committee notes that the Syrian Arab Republic's proposed amendments to Law No. 59 on money-laundering and the financing of terrorism have been submitted to the International Monetary Fund (IMF) for comment (fourth report, p. 3) and would welcome a copy of those comments.

The comments made by the International Monetary Fund on the draft amendments to Decree Law No. 59 of 2003 on money-laundering were included in the report of the mission of the International Monetary Fund on technical and legal assistance for 2005. Those comments were fully taken into account in promulgating Decree Law No. 33 of 2005.

1.7 Licensed private banks were recently allowed to operate in the Syrian Arab Repu 'ic. These are governed by Law No. 28 of 2005, which provides guidelines for the operation of private and mixed public-private banks (fourth report, p. 9). The Committee notes that public banks are supervised by the Ministry of the Economy and Foreign Trade and monitored by the Central Bank of Syria whereas private banks are subject to the supervision of the Credit and Monetary Council of the Central Bank of Syria (third report, p. 4). Are the Ministry and the Central Bank of Syria adequately structured, funded, staffed, and provided with sufficient technical and other resources to fully perform their respective supervisory and monitoring roles? The Committee would appreciate detailed clarification on these points.

The Central Bank of Syria and its Credit and Monetary Council operate under the supervision and authority of the Prime Minister. The remaining banks, both public and private, are answerable administratively to the Minister of Finance. The Directorate of the Banking Commissariat of the Central Bank of Syria — which is the Banking Inspectorate and has been made responsible for Law No. 23 of 2002 conc·rning the Central Bank of Syria and the basic monetary system and which supervises all the public and private banks — is provided with adequate financial, human and technical resources. About 70 inspectors are employed by the Inspectorate in the field and office departments. It is planned to increase the number of inspectors to 100 by the end of 2006. All the inspectors have been fully trained in their field of work through internal and external training courses as well as through on-the-job training. The International Monetary Fund supervised part of this training through its resident expert at the Central Bank of Syria.

1.8 Do the legal provisions in place authorize the administrative authorities to share both public and non-public information with their domestic and foreign counterparts?

Yes. The legal provisions in place authorize the administrative authorities to exchange information on counter-terrorism with their domestic counterparts as well as foreign authorities through Interpol.

1.9 The Committee notes from the Syrian Arab Republic's fourth report (p. 9) that the proposed legislation on money-laundering and the financing of

terrorism will cover financial and banking institutions operating in the nation's free trade zones. The Committee would appreciate a copy of the relevant provisions of this draft legislation.

The financial and banking institutions operating in Syrian free trade zones and subject to Legislative Decree No. 33 of 2005 with respect to the combating of money-laundering and terrorist financing, as specified in article 3 of the Decree.

1.10 In its fourth report (pp. 4-5), the Syrian Arab Republic refers to article 4 of Decree Law No. 59 of 2003 on money-laundering, which imposes monitoring requirements on banking and financial institutions. Are these institutions also required to report suspicious transactions? Is there a competent authority authorized to impose sanctions or penalties for failure to comply with reporting obligations? The Committee would appreciate information on any criminal, civil or administrative sanctions applied for non-compliance.

Banking and financial institutions are required to report suspicious transactions and sanctions and penalties are prescribed in the event of non-compliance with the reporting requirements as stated in article 8 of Decree Law No. 33 of 2005. In the event of non-compliance, the institutions concerned are subject to the penalties referred to in article 17 of the same Decree.

An administrative penalty was recently imposed (in April 2006) on a Syrian bank for failing to report a suspicious transaction in a timely manner, the penalty was imposed by the Agency for Combating Money-Laundering and the Financing of Terrorism which is entitled to do so under article 7 of Decree Law No. 33 of 2005. Under paragraph (d) of that article, the Agency is responsible for establishing the procedures and forms for implementation of the provisions of the legislative decree and for overseeing its implementation. Similarly, under article 17 of the regulations for monitoring banking and financial transactions in financial and banking institutions in the Syrian Arab Republic and in Syrian free trade zones for the purpose of combating money-laundering and terrorist financing, the Agency's Management Committee is entitled to impose appropriate penalties in the event of violations of the regulations (and, by implication, failure to report suspicious transactions). In the event of violations that are considered by the Agency's Management Committee to be of major importance, or in the event of persistent violations, the regulations entitle the Management Committee to refer the violation to the Attorney General by virtue of article 17 of Decree Law No. 33 of 2005.

1.11 The Syrian Arab Republic indicates in its fourth report (p. 8) that alternative remittance services are prohibited but that it intends to amend the law in order to authorize these services in the future. The Committee would appreciate an update as to whether the proposed amendment has been enacted. As alternative money transfer services have shown themselves vulnerable to misuse for purposes of money-laundering and terrorist financing, please explain the measures that the Syrian Arab Republic has in place to ensure that they will be adequately regulated and supervised.

Law No. 24 of 2006 has been promulgated and permits the authorization of banking institutions by the Central Bank. Article 22 of that law makes such institutions subject to the provisions of the law against money-laundering and terrorist financing and its amendments. Under legislative Decree No. 33 of 2005 on combating money-laundering and terrorist financing such institutions have a duty to

monitor their clients and their operations in case they are involved in money-laundering or terrorist financing. Similarly, they are responsible under the same law for reporting suspicious transactions to the Agency for Combating Money-Laundering and the Financing of Terrorism.

1.12 The Committee notes that the Syrian Arab Republic intends to require suspicious transaction reports (STRs) from funds transfer agencies, financial intermediaries, lawyers, notaries and accountants engaged in transactions on their clients' behalf (fourth report, pp. 8-9). The Committee would appreciate an update on adoption of the relevant legislation and an outline or a copy of the relevant provisions.

Such legislation has been adopted (Legislative Decree No. 33 of 2005). Article 9 of that Decree makes it obligatory for funds transfer agencies, financial intermediaries, lawyers, notaries and accountants, to report suspicious transactions. It also makes it obligatory for funds transfer agencies and financial intermediaries not to make any transfer until a photocopy has been made of the person's passport. It is also mandatory for such agencies to keep a special computer program for recording transactions coming from outside Syria. The record must contain the source and date of the transfer, the name and address of the person receiving it and a photograph of that person's passport, and must state when the person last entered the country and from which other State. The Counterfeiting, Forgery and Currency Trafficking Prevention Branch, which is part of the Department of Criminal Security of the Ministry of the Interior, also keeps a special record of such agencies so as to be aware, through constant monitoring, of the transactions they carry out, to detect suspicious transactions involving money transfers, follow them up and take legal measures with respect to them.

1.13 Are the core functions of a financial intelligence unit (FIU), which include collecting, analysing and disseminating information on suspicious financial transactions to the competent authorities, performed by the Central Bank of Syria, or has a separate FIU been established? Is this body adequately structured, funded, staffed and provided with sufficient technical and other resources to fully perform its authorized functions? The Committee would appreciate detailed clarification on these points.

An independent body with judicial status and legal personality called the Agency for Combating Money-Laundering and the Financing of Terrorism has been set up at the Central Bank of Syria to perform the functions of the financial investigation unit in receiving, analysing and disseminating reports of suspicious transactions. The Agency was established under article 7 of Legislative Decree No. 33 of 2005.

The Agency is adequately structured, funded, staffed and provided with sufficient technical and other resources to fully perform its authorized functions; it employs about 10 inspectors (a number that is expected to increase to 20 at the end of the year); in addition, there is its Management Committee comprising the Governor of the Central Bank of Syria, the Second Vice-Governor of the Central Bank of Syria who supervises the Government Banking Commission, a judge appointed by the Supreme Judicial Council, the Associate Minister of Finance and the Chairman of the Syrian Securities and Exchange Commission, as well as an expert in legal, financial and banking affairs. The Agency is fully independent in the performance of its functions.

1.14 The Committee notes from the fourth report (p. 8) that foreign funding of a Syrian Arab Republic association or charity is monitored on the basis of a statement provided by the association or charity in question. Are there special laws relating to the funding of foreign organizations by the Syrian Arab Republic's charities and associations? If so, the Committee would appreciate an outline or a copy of the relevant legislation.

There are no associations or entities in the Syrian Arab Republic that fund foreign organizations. The article relating to dealings with associations abroad is article 21 of the Law on Private Associations and Institutions, promulgated by decision 93 of 1958 which specifies as follows:

> "No association may join, associate with or participate in any association, union, body or club having its headquarters outside the Syrian Arab Republic unless the competent administrative body has previously been notified thereof and unless, within 30 days following the date of such notification, that body has raised no objection. Similarly, except for payments corresponding to the cost of scientific or technical books or periodicals, no association may receive or obtain assets or funds from any person, association, union or club outside the Syrian Arab Republic and may not send assets or funds to persons or organizations abroad, except with the authorization of the competent administrative body."

1.15 Please explain the rules for identification of account-holders (both persons and entities) and of those on whose behalf an account is maintained (i.e. beneficial owners); beneficiaries of transactions conducted by professional intermediaries; and any person or entity connected with a financial transaction. Are financial institutions required to obtain information on trustees, settlers/grantors and beneficiaries of trusts?

The rules for identification of clients and their agents, and of the economic beneficiaries of accounts, have been defined by the Regulations for monitoring banking and financial transactions in banking and financial institutions operating in the Syrian Arab Republic and Syrian free trade zones for the purpose of combating money-laundering and the financing of terrorism. The rules are as follows:

> "(a) Verification of the identity of all long-term clients of the institution, whether resident or otherwise, at the outset of the transaction, particularly but not exclusively, in the following cases:
>
> 1. The opening of accounts of any kind, whether credit or debit accounts;
>
> 2. Credit transactions and credit facilitations of all kinds;
>
> 3. The arrangement of bank guarantees of all kinds;
>
> 4. The arrangement of contracts for the rental of safe deposit boxes;
>
> 5. The arrangement of financial leasing contracts;
>
> 6. The arrangement of contracts for credit and debit cards.
>
> (b) Verification of the identity of all casual clients of the institution, whether resident or otherwise, at the time when the transaction is carried out, particularly, but not exclusively, in the following cases:

1. When monetary transactions are carried out to a value equal to or exceeding 500,000 Syrian pounds or the equivalent in foreign currency. Monetary transactions include over-the-counter cash payments or withdrawals made at a bank by the client or by another authorized person.

2. The use of cash, or of payment instruments that enable the holder to conceal his identity, for transactions involving the purchase or sale of foreign currency and monetary instruments, travellers' cheques, precious metals, transfer orders and the acquisition, sale or purchase of shares or stocks in companies to a value equal to or exceeding 500,000 Syrian pounds.

(c) Any employee of a bank or financial institution responsible for the transaction shall also verify the identity of the client, irrespective of the value of the transaction, if he notices that there are numerous monetary transactions the value of which individually is less than the lower limit specified in the preceding paragraph, whether on the client's own account or on multiple accounts belonging to a single person or a single entity, or if he has any suspicion that a client is attempting to engage in money-laundering or terrorist financing transactions, irrespective of the value of the transaction.

(d) The employee concerned in the financial or banking institution shall verify the identity of the client by taking the following steps:

1. If the client is a natural person, the employee shall ask him to show his identity card or passport or an official copy of his personal details with an original photograph of him affixed thereto, or his residence card duly issued by the immigration authorities.

2. If the client is a legal entity, the employee shall ask to be shown duly registered and authenticated documents showing the client's status, registration certificate and the personal data of the natural persons authorized to engage in transactions on behalf of the client, whether by proxy or by power of attorney, as well as the names of the members of the client's board of management.

3. The employee shall ask the authorized agent conducting the transaction on behalf of the client to present a certified copy of the proxy together with documents certifying the identity of both the agent and the person authorizing him.

4. If the transaction is conducted by correspondence, the client shall be asked for an official authentication of the signature either on the document itself or by means of a separate duly authenticated statement. Verification of the identity of a client resident abroad may be provided by a correspondent or subsidiary bank, a representative office of the bank, one of its branches or another bank that can confirm the authenticity of the client's authorizing signatures. An authenticated copy of the passport, identity card or residence card must also be appended to the correspondence and the authentication of the signature.

5. The client or his agent must be asked to provide information relating to his activities. If there is any suspicion with regard to the

nature of his economic activities, a request must be made for documentation justifying them. The financial or banking institutions shall be responsible for corroborating such information using its own means as defined in the Guide to Procedures specified in paragraph 1 of article 15 of these Regulations.

6. Every client, other than State companies and institutions, the public sector and legal persons registered in the financial market, must be asked to provide a statement in writing, a copy of which shall be kept on file, specifying the person having economic title (the true beneficiary) with respect to the proposed transactions, giving that person's full name, place of residence and profession.

(e) In the case of long-term clients, officials of banking and financial institutions must verify the client's identity by referring to his signature and to the documents on file which confirm his identity. Copies of the documents shall be required only at the time of the first transaction or when accounts are opened.

(f) The Agency must be notified if the financial or banking institution is unable to carry out all the verification measures with respect to the client, or if there is a proven discrepancy between what has been stated and the information obtained from other sources.

(g) In order to ensure that transactions are consistent with what financial and banking institutions know about their clients, their activities and the source of their assets, such institutions shall, on an ongoing basis and throughout the working relationship with the institution, monitor all transactions by clients involving the institution or the clients' accounts, both deposits and withdrawals, and shall follow up any suspicious movements that may appear in such transactions and in the accounts. The mechanism for such monitoring is specified in the Guide to Procedures for Combating Money-Laundering referred to in paragraph 1 of article 15 of these Regulations."

Effectiveness of counter-terrorism measures

1.16 The Committee takes note of the Syrian Arab Republic's response in its second report (p. 9) relating to successful prosecutions in respect of the provision of financial assistance for the commission of terrorist acts, whether within or outside the national territory. The Committee would appreciate specific examples of successful prosecutions.

The Syrian authorities have so far had no case to report of prosecutions of organized groups that are financed to carry out terrorist acts, whether within or outside Syrian territory. However, there are ordinary, individual crimes that are not organized in nature that give rise to arrests and prosecutions and are dealt with by the Syrian judiciary. In conformity with the procedure for the judicial prosecution of terrorism and terrorists, Legislative Decree No. 33 (2005) on combating money-laundering and terrorist financing was promulgated. Article 1 of the Decree defines the criminal acts, article 2 refers to cases of the financing of terrorism, and article 7 deals with the establishment of an independent body of a judicial nature called the Agency for Combating Money-Laundering and the Financing of Terrorism. The Agency is competent to conduct investigations, bring prosecutions and gather

information. It can also lift banking secrecy and conduct verifications and is entitled periodically to publish statistics on the number of reports of suspicious transactions and the number of verifications concerning money-laundering and terrorist financing.

1.17 Which investigation techniques and measures are used by the competent law enforcement bodies to investigate offences related to the financing of terrorism? Are these bodies provided with training in the investigation of such crimes? Are judges and prosecutors trained to deal with cases involving acts of terrorism, including terrorist financing?

All branches of the security bodies in all of the governorates of the Syrian Arab Republic, as well as investigative police officers and the judicial bodies involved, have the means necessary for the investigation of crimes connected with terrorist acts and terrorist financing; the security bodies and the investigative police take courses in specialities covering all types of crimes including those connected with drugs (the smuggling, trafficking, transport and taking of drugs), or connected with murder, the taking of life, the counterfeiting of Syrian or foreign currency, covert prostitution and the facilitation thereof, firearms, theft, robbery with violence, the prosecution of criminal gangs, secret associations, and so forth. In all these specialities, security agents and investigative police officers are highly qualified. As far as the judicial bodies are concerned, the Ministry of Justice chooses from among the most competent, intelligent, committed, experienced, impartial and active judges, and the most capable of using modern methods of investigation, and assigns them to work in the field of investigation and in the offices of Prosecutor-General. In addition, Legislative Decree No. 33 (2005) entrusted the Agency for Combating Money-Laundering and the Financing of Terrorism with the function of receiving and analysing reports of suspicious transactions and other transactions pertaining to money-laundering or terrorist financing and with conducting financial investigations, furnishing the judicial authorities and others with the information requested and exchanging information with counterparts in other countries.

Effectiveness of customs, immigration and border controls

1.18 Does the Syrian Arab Republic computerize its immigration records? Are asylum-seekers included in these records?

All frontier posts have a computer network on which the required data are recorded and retained using high quality computer programs and systems. As far as political asylum-seekers are concerned, personal information and data pertaining to them are entered in the records and computers of the Department of Immigration and Passports.

1.19 Does the Syrian Arab Republic have any immigration database systems or an integrated electronic customs network?

A start is currently being made on building the necessary electronic network to link all border entrance and exit points. A computer program has been set up to regulate vehicle movements (governmental, private, lorries, buses). It is being tested at several border crossing points (Bab Al-Hawa', Nasib, Al-Judaydah and Al-Ya'rabiyah) and will finally become operational in the course of this year. There are also operations to link up electronically the databank of the Ministry of the

Interior which provides the customs service with information on the movement of travellers through all border crossing points. For this program, which was introduced with the cooperation of the United Nations Development Programme (UNDP) and the United Nations Conference on Trade and Development (UNCTAD), the General Directorate of Customs has adopted the ASYCUDAWorld system.

1.20 The Syrian Arab Republic states that it has taken measures to prevent the counterfeiting or forgery of identity and travel documents (first report, p. 5). What, specifically, has been done to improve the quality of national identification and travel documents and similar documents in order to meet minimum international security standards aimed at making them impossible to duplicate, falsify or obtain fraudulently?

In cooperation with several European embassies accredited in Syria, the Department of Immigration and Passports has already arranged a number of courses for its officers and personnel on the detection of falsified documents. These courses have covered the falsification of documents, passports, visas, identity cards and residence cards. Syrian passports are machine readable, up-to-date technologies are used when issuing them and they comply with the security standards of the International Civil Aviation Organization (ICAO).

1.21 Does the Syrian Arab Republic permit legal name changes without residency? If so, is some form of positive verification, such as fingerprinting or photographing individuals in their old identities, performed?

Name changes are made on the basis of confirmed judicial decisions and are restricted only to Syrian citizens, subject to due confirmation of the court ruling. Where necessary, a person deemed to be suspicious may be fingerprinted to verify his old identity.

1.22 What steps are taken to verify the identity of applicants prior to the issuance of new identity documents?

Such verification takes place after the submission of the required supporting documents and careful scrutiny of the physiognomy of the applicant.

1.23 The Committee notes the statement that the Syrian Arab Republic's Department of Immigration and Passports cooperates with the Ministry of the Interior in monitoring the nation's land, air and maritime borders and that their procedures prevent the movement of terrorist groups (first report, p. 5). Could you please provide an outline of these procedures, a description of the respective roles of the departments concerned and an organizational chart outlining the coordinated work of the aforementioned bodies?

The Department of Immigration and Passports comes under the Ministry of the Interior. Together with its border posts, it verifies the documents of travellers entering or leaving Syria. This involves verification of passports and travel documents to ensure that they are valid and current and that they pertain to the bearer, whether that person is entering or leaving Syria, and the taking of the required steps in the case of wanted or suspicious persons.

1.24 Is there a method for communicating lookouts for wanted or suspected terrorists to the immigration authorities at entry points? Does this method

include International Criminal Police (Interpol) information on Red Notices (for arrest) and Blue Notices (for location)? If so, how is this done?

Through the monitoring of terrorist organizations and when the names of their members are ascertained, the Department of Immigration and Passports is notified so that it can take the necessary measures (issuance of notifications to keep a lookout for, detain or prevent the entry of persons). The Department of Immigration and Passports carries out its role by extending such measures to all border crossing points.

There is close cooperation between State bodies and the relevant international organizations and the International Criminal Police Organization (Interpol). When the Department of Immigration and Passports receives lists of names from the Counter-Terrorism Committee established by the Security Council or from Interpol, it checks them against its records and distributes them to all border posts with the request to either prevent anyone listed from entering the territory of the Syrian Arab Republic or to arrest such persons or to detain them in order to investigate a suspect and find out whether such person is involved in acts of terrorism.

1.25 It appears from the second report (p. 11) that a list of passengers on ships and aircraft must be submitted to a competent official. Does the Syrian Arab Republic use an advanced passenger manifest program to check the names of inbound passengers on international flights and ships against terrorist databases prior to landing or docking? Is there an automated alert system for terror suspects? If so, who maintains this system and is it available to all border clearance personnel?

The instructions specify that it is the duty of the captains of ships and aircraft to submit a passenger list to the competent authorities at airports and seaports.

1.26 Does the Syrian Arab Republic have equipment or trained personnel in place at border locations to examine suspect travel documents in order to determine whether they are counterfeit, altered or stolen? If not, is there a plan to provide this capability?

Officers and other personnel have adequate experience to detect counterfeit or stolen travel documents. To keep them informed of new developments they are sent on courses on an ongoing basis in cooperation with the embassies of all countries that are advanced in this field.

1.27 Does the Syrian Arab Republic have technology in place to detect forged or falsified travel documents?

There are a number of devices for the detection of counterfeit passports or other documents at immigration and passport offices. We are currently endeavouring to obtain more sophisticated equipment for this purpose.

1.28 Do you have a register of reported lost and stolen personal and travel documents? Is this information exchanged with other States on a regular basis?

Yes, there is a register of lost and stolen personal and travel documents. Cooperation is maintained with Interpol concerning stolen or lost passports. Where necessary, information on the matter is exchanged with other States.

1.29 The International Civil Aviation Organization (ICAO) has recently initiated a Universal Security Audit Programme to audit all Contracting States'

compliance with Annex 17 of the Convention on International Civil Aviation. Does the Syrian Arab Republic have any difficulties in implementing Annex 17? If so, please explain the types of difficulties and the standards concerned.

The Syrian Arab Republic applies the standard principles of Annex 17 and complies with its requirements. There are no difficulties in implementing those requirements; ICAO sent a compliance team from 1 to 10 March 2004 and at the end of the inspection the Organization sent a confidential report concerning a number of shortcomings, drawing attention to the fact that what were involved were local measures and requirements at airports. We addressed the points raised so as to be ready before the arrival of a follow-up team from ICAO on 8 November 2006.

Effectiveness of international cooperation in criminal matters

1.30 Could the Syrian Arab Republic describe the mechanisms, apart from its relationship with Interpol, which enable it to provide early warning of possible terrorist activities to other States? How is information about terrorist individuals or groups shared with the law enforcement agencies of States from other regions?

Bilateral conventions have been concluded with neighbouring States including, among the areas of cooperation, the combating of terrorist crime. The Syrian Government cooperates with other States in accordance with the conventions in force. Article 4, paragraph 2 of the Arab Convention on the Suppression of Terrorism of 1998 provides: "Each contracting State shall undertake to notify any other contracting State in an expeditious manner of the information it has concerning any terrorist offence that takes place in its territory and is intended to harm the interests of that State or of its nationals and to include in such notification statements concerning the circumstances surrounding the offence, those who committed it, its victims, the losses occasioned by it and the devices and methods used in its perpetration, to the extent compatible with the requirements of the investigation and inquiry."

1.31 The Committee takes note of the Syrian Arab Republic's efforts regarding border surveillance and border security in cooperation with neighbouring States, particularly Lebanon and Turkey (fourth report, p. 19) and would appreciate information on border security and surveillance cooperation with other States with which it shares a common border.

There is close cooperation between the Syrian Arab Republic and all neighbouring States either through Interpol or under bilateral conventions on cooperation in the field of border security surveillance. Incoming Arabs and foreigners who attempt to enter the country with forged passports or travel documents are stopped by the Department of Immigration and Passports and are handed over with those documents to the competent security authorities for verification of their circumstances and with the request that they be returned with the said passports or documents to be deported from the Syrian Arab Republic to the countries from which they came.

Effectiveness of controls preventing access to weapons by terrorists

1.32 The Committee notes that possession of firearms and ammunition in the Syrian Arab Republic requires prior approval (second report, p. 10). What

conditions must individuals meet in order to receive approval for the purchase of firearms?

Article 18 of Legislative Decree No. 51 of 2001 provides as follows:

"An applicant for any permit provided for in this decree:

(a) Must be at least 25 years of age and be fully competent;

(b) Must not have been sentenced to deprivation of civil rights or have been convicted of a crime or misdemeanour of a dishonourable nature, have been banned from bearing arms, have been convicted of a crime affecting the security of the State, or have been sentenced in connection with weapons, explosives, narcotic drugs or alcoholism or have been sentenced to imprisonment for a crime of smuggling, insurrection or harbouring criminals;

(c) Must be an Arab or an alien legally resident in the country;

(d) Must be in good health;

(e) Must be professionally qualified if the permit relates to the manufacture of weapons or fireworks;

(f) Must be a Syrian Arab if the permit relates to the repair of weapons or to the manufacture, import, export, dealing in, sale or transportation of fireworks;

(g) Must meet the conditions specified in paragraphs (a), (b), (c), (d), (e) and (f) of this article in applying for a permit specified in paragraph (f) above, if the applicant is a legal person."

1.33 What type(s) of firearms may be licensed for possession by individuals? How many pieces of each type may be licensed? Are there any exemptions in that regard?

Article 7 of the implementing regulations of the Weapons Act specifies as follows:

"(a) Handguns firing in single-shot mode only;

(b) Hunting rifles and training weapons specified in paragraph 2 of article 1 of Legislative Decree No. 51 of 24 September 2001."

Article 10 of that Legislative Decree specifies the maximum number of weapons that may be licensed to a single person, as follows:

"(a) A single military revolver;

(b) A hunting rifle.

No exceptions are made in this connection."

1.34 Does your licensing system provide for licence transfers? If so, what are the conditions for such transfers?

The transfer of licences is permitted subject to their being assigned in accordance with the following:

Article 30, paragraph (b) of the implementing regulations provides as follows:

> "The assignment of a licensed weapon to another person shall be accepted only after the issuance of a licence to the assignee in the presence of both the assignor and the assignee in the department or bureau of weapons and ammunition, after both parties have signed the surrender document and it has been certified by the head of the department or bureau for weapons and ammunition. In the case of the assignment of hunting rifles, these formalities are completed in the presence of the administrative officers of the districts in which the weapons were licensed."

1.35 What is the period of validity for firearms licences? Is there a specialized agency or department designated to monitor the validity and/or expiry of licences?

The period of validity of the licences is five years and legal proceedings against holders of expired licences are instituted by specialized police units.

1.36 The Committee notes from the Syrian Arab Republic's second report (p. 10) that, pursuant to Legislative Decree No. 51 of 24 September 2001, article 52, all permits for the carrying and possession of military weapons granted prior to the Decree have been revoked and holders have been required to turn over their weapons to the authorities. What proportion of these weapons is estimated to have been surrendered?

All military weapons were surrendered; the surrender rate was 100 per cent.

1.37 The Committee notes that the Syrian Arab Republic's public sector has the exclusive right to import, export, transport and manufacture arms and ammunition (second report, p. 9). Is this right subject to a licensing system?

Article 2 of the implementing regulations of Legislative Decree No. 51 of 2001 provides as follows:

> "(a) The competent entity of the public sector, as determined by the Ministry of Economy and Foreign Trade and by the Ministry of Supply and Internal Trade in coordination with the Ministry of the Interior, shall have exclusive responsibility for the import, export, dealing in and distribution, on an individual basis, of arms and ammunition, subject to licensing. Imports shall be within the limits of the estimates of the Ministry of the Interior in accordance with the annual requirements of the country."

1.38 Does the Syrian Arab Republic's Customs Service implement the recommendations of the World Customs Organization (WCO) concerning the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, Supplementing the United Nations Convention against Transnational Organized Crime? If so, please outline the existing implementation measures.

The implementation of the recommendation on the necessity of amending the tariff clauses relating to firearms in the customs tariff for statistical purposes and in order to facilitate monitoring of the entry of firearms-related raw materials is being amended.

1.39 The Syrian Arab Republic's public sector has the exclusive right to import, export or transport arms and ammunition. Is it necessary to file a

goods declaration and supporting documents prior to the import, export or transit of firearms? If so, are such declarations verified?

Yes, imports take place within the limits of the estimates made by the Ministry of the Interior on the basis of the annual requirements of the country. In the first half of the [first] month of every year, the competent public sector authority submits a report to the Weapons and Ammunition Branch of the Department of Criminal Security in accordance with the following:

1. The quantities of weapons and ammunition it has decided to import during the year, with a statement providing justifications for the import of each category of the items concerned;

2. The total quantity of weapons and ammunition imported or delivered to the authority during the previous year specifying the type, calibre and numbers of the items, and the declaration of the numbers of the import licences;

3. The total quantity of weapons and ammunition still held by the authority, by type and calibre, together with the corresponding numbers;

4. A statement by the authority indicating the modalities of the sale of the arms and ammunition and a record of the numbers of the licences to own or carry those items or of the export or transportation of licences, the source of the weapons or ammunition and the names of the licensees.

1.40 Are there appropriate mechanisms to verify the authenticity of licensing or authorization documents for the import, export or transit of firearms?

Yes, and all licences for the import, export or transit of firearms are subject to monitoring by the Minister of the Interior.

1.41 Has the Syrian Arab Republic, using risk assessment principles, implemented appropriate security measures for the import, export and transit of firearms, including security checks of temporary storage facilities, warehouses and vehicles transporting firearms and compulsory vetting of persons involved in these operations?

Article 4 of the implementing regulations of Legislative Decree No. 51 of 2001 specifies as follows:

> "Competent public sector bodies wishing to transport weapons or ammunition from one place to another shall be responsible, sufficiently in advance of the date of the transport operation, for informing the head office of the police of the governorate of the transport operations, the starting point of the transport, the timing thereof, the quantity of the weapons and ammunition to be transported, the means of transport, the destination authority and the route to be taken."

Article 36 of Legislative Decree No. 51 of 2001 specifies as follows:

> "(a) Establishments engaged in the manufacture and storage of weapons, ammunition and fireworks shall be subject to the technical supervision of the Ministry of Defence.
>
> (b) Weapon repair workshops, shops selling fireworks and operations entailing the transport and destruction thereof shall be subject to the supervision of the Ministry of the Interior."

2. Implementation of resolution 1624 (2005)

2.1 What measures does the Syrian Arab Republic have in place to prohibit by law and to prevent incitement to commit a terrorist act or acts? What further steps, if any, are under consideration?

Article 305, paragraph 2, of the Penal Code provides that every terrorist act entails a penalty of 15 to 20 years hard labour and that the penalty is death if the act results in [material] destruction or causes the death of a person. Article 217 of the Penal Code provides that a person who incites a crime shall be subject to the penalties of the crime, irrespective of whether the crime was actually committed or was planned, or was inadequately worked out.

2.2 What measures does the Syrian Arab Republic take to deny safe haven to any persons with respect to whom there is credible and relevant information giving serious reasons for considering that they have been guilty of incitement to commit a terrorist act or acts?

The search for a wanted person is publicized and when he is arrested he is duly referred to the judiciary; if the person is outside the country and is Syrian, an order to detain him is issued. If he is of any other nationality, an order to prevent him from entering, and, if necessary, to watch for his arrival is issued so he can be arrested and so that the necessary legal measures can be taken with respect to him.

2.3 How does the Syrian Arab Republic cooperate with other States in strengthening the security of its international borders with a view to preventing those guilty of incitement to commit a terrorist act or acts from entering their territory, including by combating fraudulent travel documents and, to the extent attainable, by enhancing terrorist screening and passenger security procedures?

Bilateral conventions had been concluded with neighbouring States; among the areas of cooperation included therein is the combating of terrorist crimes. The Syrian Government cooperates with other States under the conventions that it has ratified.

Article 4, paragraph 2, of the Arab Convention on the Suppression of Terrorism of 1998 provides:

> "Contracting States shall cooperate for the prevention and suppression of terrorist offences, in accordance with the domestic laws and regulations of each State, as set forth hereunder:
>
> 1. Contracting States shall undertake to promote the exchange of information between and among them concerning:
>
> (a) The activities and crimes of terrorist groups and of their leaders and members; their headquarters and training; the means and sources by which they are funded and armed; the types of weapons, munitions and explosives used by them; and other means of aggression, murder and destruction;
>
> (b) The means of communication and propaganda used by terrorist groups, their modus operandi; the movements of their leaders and members; and the travel documents that they use.

2. Each contracting State shall undertake to notify any other Contracting State in an expeditious manner of the information it has concerning any terrorist offence that takes place in its territory and is intended to harm the interests of that State or of its nationals and to include in such notification statements concerning the circumstances surrounding the offence, those who committed it, its victims, the losses occasioned by it and the devices and methods used in its perpetration, to the extent compatible with the requirements of the investigation and inquiry."

The Arab Convention on the Suppression of Terrorism has been incorporated in our domestic legislation and is applicable both for the purpose of convicting a criminal and for the purpose of assisting other States in suppressing such crimes, handing over criminals or requesting their extradition, as well as for the purpose of the exchange of information and documents relating to terrorist crimes.

As far as forgery is concerned, article 444 of the Penal Code provides:

"Any person who knowingly makes use of a forgery shall incur the same penalty as the person committing the forgery."

Decree No. 29 of 15 January 1970 on the entry and stay of foreign nationals includes the following:

"Article 2. Aliens shall be permitted to enter or leave the territory of the Syrian Arab Republic only if they are the bearers of a valid passport or any alternative document granting them the right of return, issued by the competent authority of their country or by any other recognized authority. The passport or other document must be stamped with an entry or transit visa issued by the Ministry of the Interior, a political mission or consulate of the Syrian Arab Republic or any other body charged by the Syrian Arab Republic with granting of such visas."

...

"Article 4. Aliens shall be permitted to enter or leave the territory of the Syrian Arab Republic only at the places designated by decision of the Minister of the Interior and with the authorization of the competent authority at the border. Upon such entry or exit, a visa shall be stamped on the passport or alternative document.

Article 5. Aliens may be required, by decision of the Minister of the Interior, to obtain an exit visa prior to their departure from the territory of the Syrian Arab Republic. Exemptions from that requirement may be specified, together with the conditions under which such exemptions are granted, the authorizing authority and period of validity. The charge to be paid shall not exceed 10 pounds.

Article 6. The captains of ships and aircraft, upon their arrival in or departure from the territory of the Syrian Arab Republic, shall submit a manifest to the official responsible giving the names and particulars of the crew and passengers on board their ship or aircraft. They are also required to notify the competent authorities of the names of passengers who do not have passports or whose passports are invalid or have expired and to prevent such passengers from leaving or boarding the vessel or the aircraft without the authorization of the authorities."

...

"Article 15. Any alien wishing to settle in the national territory must obtain a residence permit and must depart from the territory of the Syrian Arab Republic upon the expiration thereof."

...

"Article 32. Without prejudice to any more severe penalties specified in other laws, any person making untruthful statements to the competent authorities or knowingly presenting to them documents that are not valid in order to facilitate their entry into the Syrian Arab Republic and their residence therein, or the entry and residence of another person, shall be sentenced to a term of imprisonment not exceeding two years and to a fine of not less than 300 Syrian pounds and not more than 1,000 Syrian pounds, or to one or other of such penalties."

The procedures followed at immigration and passport offices to combat the forgery of passports entail the manual verification of documents through direct contact in order to ascertain actual characteristics. In certain offices this is done by checking passports using special equipment to detect forgery. Some of the equipment has been provided by embassies which have given training to immigration and passport officers and personnel. The equipment is of the following types: TEKNO OPTIK AB, CONFIRM and ESCHENBACH.

The most recent equipment — of the type ULTRA-VIOLET — was purchased by ourselves under an official contract and has been delivered to branches and offices.

Circular No. 357 of 6 April 2005, issued by the Minister by the Interior includes the following:

Imposition of stricter controls over Iraqis arriving at border entry points in order to ensure the regularity of their status and to prevent the entry into the country of any suspect individuals.

Verification of their documents in order to check that the documents are genuine and are those of the bearers, and to prevent the entry of any Iraqis with suspect documents.

Monitoring of persons already in the country to check that they entered legally and that their residential status is in order, and to arrest any offenders and hand them over to the immigration branch concerned in preparation for their referral to the judiciary. First time offenders are ordered to leave the country within one week. In the event of a repeat offence, offenders are referred to the judiciary and subsequently expelled and barred from further entry into the country.

Strict application of the rules on giving new arrivals the required security clearance when granting them temporary annual residence permits.

Circular No. 1417 of 29 November 2005, issued by the Minister of the Interior provides:

1. Stricter surveillance of the border and the arrest of any person attempting to enter illegally.

2. Insistence on monitoring the status of Arabs and foreign nationals present in the country and on the submission by offenders of the above-mentioned documents to immigration and passport branch officers in the governorates for the legal measures to be taken with respect to them in order to regularize their status.

3. The Department of Immigration and Passports detains Arab and foreign new arrivals attempting to enter the country with forged passports or travel documents and hands them over with the documents to the Political Security Service, Arab Affairs Branch, for verification of their status, together with a request for them to be expelled from the Syrian Arab Republic with their passports or documents to the countries from which they came without having an entry or exit visa stamped on the passports or documents or any indication of their having entered the country. A contract in writing is concluded with the airlines on which they travelled to take them back to the countries from which they came with the same passports or documents.

2.4 What international efforts is the Syrian Arab Republic participating in or considering participating in/initiating in order to enhance dialogue and broaden understanding among civilizations in an effort to prevent the indiscriminate targeting of different religions and cultures?

The Syrian Arab Republic participates, through the relevant bodies, in all international and regional conferences aimed at strengthening dialogue and broadening the scope of understanding between civilizations. It also organizes many meetings related to the same subject matter.

Article 35 of the Constitution of the Syrian Arab Republic provides as follows:

"1. The freedom of faith is guaranteed. The State respects all religions.

2. The State guarantees the freedom to conduct any religious rites, provided they do not disturb public order."

2.5 What steps is the Syrian Arab Republic taking to counter incitement of terrorist acts motivated by extremism and intolerance and to prevent subversion of educational, cultural and religious institutions by terrorists and their supporters?

All educational, cultural and religious institutions in Syria are subject to the supervision and control of the Government and they conduct their activities only on the basis of official permits issued by the competent authorities. Their work is governed by special procedures and imams and preachers in mosques are directed to adopt a balanced and moderate approach in their teaching and to repudiate all forms of extremism and intolerance. The Syrian Arab Republic takes a number of measures to counter extremism and intolerance in educational, cultural and religious institutions including the following:

Contacts by political leaders with other institutions of society and with professional, educational, social and cultural associations in order to instil an understanding among the public of the meaning and reality of terrorism;

Organizing symposiums, meetings and conferences addressing the issues of terrorism and explaining its various aspects and dangers and how to deal with it; intensifying and extending relations with international organizations and institutions

involved, particularly with a view to making the public aware of the dangers of terrorism in all its forms and manifestations;

Inculcating an understanding of the fact that educational, cultural and religious institutions are the property of all and that their defence is the national duty of every citizen;

Mitigating hostile tendencies in individuals by developing moral and health education and by organizing public lectures on human rights, the impact of faith on personal development and the linkage between religion, law and morality;

Attention by the Syrian news media to worldwide trends related to terrorism and to the sufferings brought about by the impact of terrorism on different aspects of life;

Preparation of scholarly studies in universities concerning the combating of terrorism and focusing, in books that are currently being prepared for university students, on the subject of counter-terrorism, the danger of terrorist crimes and the means of combating them, both locally and internationally;

The decision by Syria to appoint moderate and temperate men of religion from among the specialized scholarly committees. There are departments within the Ministry of Awqaf that specialize in providing guidance, advice and general counselling in religious education, the Asad Institutes for the teaching of the Koran, in addition to the press and publishing department which publishes the quarterly periodical *The Way of Islam*. All these departments are concerned with moderation in the religion of Islam and repudiate extremism and intolerance.

The Ministry of Awqaf in the Syrian Arab Republic continues to work on various aspects of the development of the religious sermon, the most important of which are as follows:

Strengthening the principle of dialogue, the acceptance of others and mutual respect;

Avoidance of the practice known as takfir (charging others with apostasy);

The role of the religious sermon in pointing out the difference between terrorism, jihad and the rights of peoples to defend their homeland and things they hold sacred, and in repudiating terrorism in all its forms and manifestations.

Syria is the cradle of the revealed religions and comprises a variety of Islamic teachings and Christian sects. This spectrum of Islamic teachings and sects has a firmly established status. In addition to the multiplicity of Islamic teachings there are in Syria more than 10 Christian sects, three of which are spiritual leaders throughout the Levant, namely the Syrian Orthodox Patriarchate, the Roman Orthodox Patriarchate and the Roman Catholic Patriarchate. All of them, by virtue of their clear perception of the role and lofty mission of religion among the people, share a single core belief and are rooted in a national unity almost unparalleled throughout the civilized world. There are many examples of this, such as the series of symposiums and discussion meetings which have brought together both Muslim and Christian religious scholars.

Syria has taken part in many regional and international conferences for the promotion of dialogue and understanding between civilizations.

2.6 What is the Syrian Arab Republic doing to ensure that any measures taken to implement paragraphs 1, 2 and 3 of resolution 1624 (2005) comply with all its obligations under international law, in particular international human rights law, refugee law and humanitarian law?

The Syrian Arab Republic is taking the necessary measures to implement paragraphs 1, 2 and 3 of Security Council resolution 1624 (2005) in order to fulfil all its obligations in the framework of international law, in particular international human rights law, refugee law and humanitarian law, and strives constantly to ensure the implementation of all measures taken under its domestic legislation and under the international treaties to which it is a party.

In this context, it established the National Committee for International Humanitarian Law pursuant to Prime Ministerial Decision No. 2989 of 2 June 2004, later superseded by Decision No. 1081 of 7 March 2005. The Committee is under the chairmanship of the Minister of State for Red Crescent Affairs and the Law of the Sea and its membership includes representatives of the Red Crescent organization, the Ministries of Foreign Affairs, Defence, the Interior, Higher Education, Justice and Education and a representative of the General Directorate of Civil Defence. The Committee is tasked with sponsoring and coordinating national action to raise awareness of international humanitarian law, harmonizing national legislation, monitoring violations of human rights and enhancing knowledge of such violations, in particular the awareness of human rights in the armed forces and the internal security forces.

With respect to international refugee law, the Prime Minister issued Decision No. 3175 of 9 July 2006 which concerns the formation of a national committee charged with drafting the refugees act of the Syrian Arab Republic as soon as possible.